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Attorney for Defendant Sarah Evans

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE BARRY TED MOSKOWITZ)

UNITED STATES OF AMERICA,) CASE NO. 08CR2066-BTM (JMA)

Plaintiff,) DATE: February 23, 2004
) TIME: 2:45 p.m.

SARAH EVANS,) NOTICE OF MOTIONS AND MOTIONS TO:
) (1) COMPEL FURTHER DISCOVERY

Defendant.)

TO: KAREN HEWITT, UNITED STATES ATTORNEY, AND
JAMES MELENDRES, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on July 31, 2008, at 2:45 p.m., or as soon thereafter as counsel may be heard, the defendant, Sarah Evans, by and through her attorney Benjamin P. Lechman, will ask this Court to issue an order granting the motion listed below.

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MOTIONS

2 The defendant, Ms. Sarah Evans, by and through her attorney, Benjamin P. Lechman, asks this
3 Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other
4 applicable statutes and local rules for an order to:

- 1. Compel further discovery.**

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

s/Benjamin P. Lechman
BENJAMIN P. LECHMAN
Attorney for Defendant Sarah Evans

Dated: July 28, 2008

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12 (HONORABLE BARRY TED MOSKOWITZ)

13 UNITED STATES OF AMERICA,) CASE NO. 08CR2066-BTM (JMA)
14 v.)
15 SARAH EVANS,) DATE: July 31, 2008
16 Plaintiff,) TIME: 2:45 p.m.
17) STATEMENT OF FACTS AND POINTS
18) AND AUTHORITIES IN SUPPORT OF
19) DEFENDANT'S MOTIONS
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I.

STATEMENT OF FACTS

18 Ms. Evans hereby incorporates the statement of facts based on the criminal complaint filed by the
19 government in this case charging a violation of 21 U.S.C. sections 841 and 952/960. However,
20 Ms. Evans does not accept this statement of facts as her own, and reserves the right to take a contrary
21 position at motions hearing and trial. The facts alleged in these motions are subject to amplification
22 and/or modification at the time these motions are heard.

23 The parties anticipate that this case will resolve with a plea (pursuant to a negotiated plea
24 agreement) to the Information filed in this case on June 19, 2008. However, for purposes of the Speedy
25 Trial Act, 18 U.S.C. section 3161 et. seq., the parties have mutually agreed to the filing of the instant
26 motion.

III.

MOTION TO COMPEL DISCOVERY

3 Ms. Evans moves for the production by the government of all discovery required under the
4 United States Constitution, Fed. R. Crim. P. 16, and federal case law interpreting the respective
5 discovery requirements thereunder.

III.

CONCLUSION

For the foregoing reasons, it is respectfully requested that the Court grant the above motion.

Respectfully submitted,

s/Benjamin P. Lechman
BENJAMIN P. LECHMAN
Attorney for Defendant Sarah Evans

Dated: July 23, 2008

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff-Appellee,) U.S.D.C. No. 08CR2066-BTM (JMA)
v.) PROOF OF SERVICE
SARAH EVANS,)
Defendant-Appellant.)

I, the undersigned, say:

1) That I am over eighteen years of age, a resident of the County of San Diego, State of California, and not a party in the within action and that my business address is 964 Fifth Ave. Ste. 320, San Diego, California, 92101-5008;

2) That I served the within NOTICE OF MOTION AND MOTIONS FOR DISCOVERY AND JOINT MOTION TO CONTINUE by causing to be delivered an one copy thereof to the Office of the Clerk, United States District Court for the Southern District of California, 940 Front Street, San Diego, California, 92101, by posting in the U.S. Mails; and

3) That I caused service on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

james.melendres@usdoj.gov

I certify under penalty of perjury that the foregoing is true and correct. Executed on July 23, 2008 at San Diego, California.

s/Benjamin P. Lechman
BENJAMIN P. LECHMAN